

HOUSE BILL 135

M3, L6
HB 1529/08 – ENV

9lr0916

By: **Cecil County Delegation**

Introduced and read first time: January 23, 2009

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 23, 2009

CHAPTER _____

1 AN ACT concerning

2 **Environment – Sewage Sludge Utilization – Zoning and Land Use**
3 **Requirements**

4 FOR the purpose of ~~prohibiting~~ authorizing the Department of the Environment ~~from~~
5 ~~issuing a sewage sludge utilization permit for a site unless the site meets to~~
6 consider all county and municipal zoning and land use requirements or
7 ~~ordinances; prohibiting the Department from issuing a sewage sludge~~
8 ~~utilization permit for a site that will be on certain land~~ before issuing a permit
9 for the application of sewage sludge on land; requiring a county or municipality
10 to send certain zoning and land use information to the Department within a
11 certain number of days after receiving a certain application; requiring the
12 Department to adopt certain regulations to establish a certain buffer; and
13 generally relating to the use of sewage sludge.

14 BY repealing and reenacting, ~~with~~ without amendments,
15 Article – Environment
16 Section 9–233
17 Annotated Code of Maryland
18 (2007 Replacement Volume and 2008 Supplement)

19 BY adding to
20 Article – Environment
21 Section 9–234.2
22 Annotated Code of Maryland
23 (2007 Replacement Volume and 2008 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article – Environment**

4 9–233.

5 ~~(A)~~ The Department may not issue a permit to install, materially alter, or
6 materially extend a sewage sludge composting facility or a sewage sludge storage
7 facility until:

8 (1) The sewage sludge composting facility or sewage sludge storage
9 facility meets all zoning and land use requirements of the county where the sewage
10 sludge composting or storage facility is to be located; and

11 (2) In the case of a sewage sludge composting facility, the Department
12 has a written statement that the board of county commissioners or the county council
13 of the county where the sewage sludge composting facility is to be located does not
14 oppose the issuance of the permit.

15 ~~(B) THE~~

16 **9–234.2.**

17 **(A) BEFORE THE ISSUANCE OF A PERMIT FOR THE APPLICATION OF**
18 **SEWAGE SLUDGE ON LAND, THE DEPARTMENT MAY CONSIDER NOT ISSUE A**
19 **SEWAGE SLUDGE UTILIZATION PERMIT UNLESS THE SEWAGE SLUDGE**
20 **UTILIZATION SITE MEETS ALL APPLICABLE ZONING AND LAND USE**
21 **REQUIREMENTS OR ORDINANCES OF THE COUNTY WHERE THE SITE IS LOCATED**
22 **SEWAGE SLUDGE WILL BE APPLIED.**

23 **(B) THE COUNTY OR MUNICIPALITY SHALL PROVIDE ANY APPLICABLE**
24 **ZONING AND LAND USE INFORMATION TO THE DEPARTMENT WITHIN 45 DAYS**
25 **AFTER RECEIVING A COPY OF THE APPLICATION FOR A PERMIT TO APPLY**
26 **SEWAGE SLUDGE ON LAND UNDER § 9–234 OF THIS SUBTITLE.**

27 **(C) THE DEPARTMENT MAY NOT ISSUE A SEWAGE SLUDGE UTILIZATION**
28 **PERMIT FOR A SEWAGE SLUDGE UTILIZATION SITE THAT WILL BE ON LAND**
29 **ADJACENT TO A SHALL ADOPT REGULATIONS TO ESTABLISH A BUFFER FROM A**
30 **SITE WHERE SEWAGE SLUDGE WILL BE APPLIED ON LAND ADJACENT TO A**
31 **BOUNDARY OF A MUNICIPALITY.**

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 2009.